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Dy. Registrar,
M. P. State Adm. Tribunal,
RAIPUR

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL, BENCH AT RAIPUR (CG)

O.A. NO: /2002

G.R. Rajesh
S/o Late Shri D.Gyan Das,
R/o Jantacolony,
Gudiyari,
Raipur. ..... **Applicant**

Vs.

1. State of Chhattisgarh,
   Through: The Secretary
   Water Resources Department,
   D.K. Bhavan,
   Raipur.

2. Superintendent Engineer (Admn.)
   O/o: Engineer in Chief ,
   Water Resources Department,
   Raipur.

3. Executive Engineer, (E&M),
   Water Resources Department,
   Raipur (CG) .... **Respondents**

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक WP(S) 556/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14.6.2006

Mr. N.K. Vyas, Advocate for the petitioner.

Mrs. Chitra Shrivastava, P.L. for the State.

Heard.

Learned counsel for the petitioner submitted that he does not want to press I.A. No.895/06 filed for joining the Union of India and State of M.P. as respondents. Accordingly, the application is dismissed as not pressed.

By this petition, the petitioner has questioned the legality, propriety and correctness of the order dated 20.12.2001 (Annexure A-1) passed by respondent No.3- Executive Engineer, Water Resources Department, Raipur and also order dated 21.08.2001 (Annexure A-2) passed by respondent No.2-Superintending Engineer (Admn.), Water Resources Department, Raipur whereby the application of the petitioner for grant of compassionate appointment has been rejected on the ground that there is no provision for compassionate appointment to the heirs of work charged employees.

The case of the petitioner is that his father was working as Work-charged employee on the post of Wire Man and he expired on 10.10.1999, therefore, he applied for compassionate appointment on 10.12.1999. The Government of erstwhile State of M.P. framed the scheme dated 10.6.1994 for compassionate appointment and thereafter it was revised on 1.5.2000. The petitioner's father namely Late Shri D. Gyanda was appointed as Wire-man in the year 1987 in the office of Superintending Engineer, Irrigation Department, Raipur. The pay scale of the petitioner's father was revised to Rs.3050-75-

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

3950-80-4590/- by the Government of M.P. In the month of April, 1999 the petitioner's father was drawing basic pay of Rs.3875/- and Rs.1082/- as D.A., total salary of Rs.4945/-. He expired on 10.10.1999 and death certificate is Annexure A-5. After the death of his father the petitioner applied for compassionate appointment vide application dated 10.12.1999, as at that time he was the only member in the family who is fulfilling all the qualifications to get the compassionate appointment.

In the return filed by the respondents it has been mentioned that the Chief Engineer, Water Resources Department vide letter dated 18.10.2001 informed that as per policy dated 1.5.2000 there is no scope for compassionate appointment of the heirs of work charged employees.

Having heard learned counsel for the parties, I have perused the scheme issued by the General Administrative Department of the State of M.P. dated 1.3.1994 regarding compassionate appointment to the heirs of the government employees who died in harness. Clause-11 of the scheme specifically provides that on the death of work-charged/contingency paid employees, one of the family members of such employee shall be eligible for compassionate appointment, but their appointment shall be made under the conditions of Workcharged/Contingency Fund Services.

When the petitioner's father died on 10.10.1999 this policy was in force and when the petitioner applied for compassionate appointment on 10.12.1999 at that time also this policy was in force and when the application of the petitioner for compassionate was

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 3 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

under process, the General Administration Department of the erstwhile Govt. of M.P. revised the policy regarding compassionate appointment vide order dated 1.5.2000 and in which no provision was made for compassionate appointment of the family members of the workcharged/contingency paid employee, who died in harness. Therefore, under the above orders the respondents have refused to consider the application of the petitioner for compassionate appointment. But the impugned orders of the respondents are prima-facie perverse and illegal, for the reasons that when the father of petitioner died on 10.10.1999 and when the petitioner made application for compassionate appointment on 10.12.1999, the policy of the year 1994 in which there was a provision for compassionate appointment of the family members of the work charged/contingency paid employees, the respondents were required to consider the application of the petitioner in accordance with the government policy issued in the year 1994, which was in existence at the time of death of petitioner's father and when the petitioner filed the application. It is true that as per policy of 1994 the petitioner will be entitled for compassionate appointment only for the work charged/ contingency fund service post, if same is available. The second requirement is that appointment shall be made on the ~~same~~ similar post and the third requirement is that the incumbent must be eligible for the compassionate appointment.

In the result, the order dated 20.12.2001 (Annexure A-1) passed by respondent No.3- Executive Engineer, Water Resources Department, Raipur and order dated 21.08.2001 (Annexure A-2)

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

passed by respondent No.2-Superintending Engineer (Admn.), Water Resources Department, Raipur are quashed and they are directed to consider the application of the petitioner for compassionate appointment in accordance with the government policy dated 1.3.1994

With the aforesaid, the petition stands disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

21.6.04